

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**March 27, 2000**

**D033240        In re Marriage of Monks**

The judgment is affirmed. Work, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

**D034021        Joesphs v. Unemployment Insurance Appeals Board/Pacific Bell**

The petition for rehearing is denied.

**D035267        Elmore v. Superior Court of San Diego County/Sundin et al.**

The petition is denied.

**D032421        People v. Smith**

The judgment is affirmed. Work, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

**D033027        In re Candace M., a Juvenile**

The judgment is affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., Huffman, J.

**D032698        People v. Parker**

On the court's own motion a rehearing is granted in the above matter. Due to a computer error, the opinion filed March 21, 2000, was incorrect. The opinion is refiled this date.

**D032698        People v. Parker**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

**D033339        In re Marriage of Petty and Ramsey**

The order of dismissal is reversed and this matter is remanded for further proceedings consistent with this opinion. The parties shall bear their own costs on appeal. Nares, J.; We Concur: Kremer, P.J., Huffman, J.,

**D034476        In re Ashley M., a Juvenile**

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D032241        People v. Morales**

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE**

**March 28, 2000**

**D032100        In re Marriage of Papenthien**

Upon written request filed by appellant, Michael R. Papenthien, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

**D035320        Camacho v. Superior Court of San Diego County/Julio Hernandez-Fujigake**

The petition is denied.

**D033689        People v. Valencia**

The judgment is reversed and the case remanded. The trial court is directed to determine if the prior serious/violent felony conviction admitted by Valencia qualifies as a "strike" in light of *People v. Garcia*, supra, 21 Cal.4th 1. If it does not so qualify, the trial court is directed to permit Valencia to withdraw his guilty plea and to conduct such further proceedings as may be appropriate. Huffman, J.; We Concur: Kremer, P.J., McDonald, J.

**D035136        In re Saddler on Habeas Corpus**

The petition is denied.

**D030865        East County Physicians Medical Group, Inc. v. Aetna Life and Casualty Insurance Company et al.**

The judgment is reversed. The court is directed to vacate its order sustaining Aetna's demurrer to the fourth cause of action of the second amended complaint without leave to amend and enter a new order overruling that demurrer. The court is further directed to vacate its order on Aetna's motion for summary judgment/summary adjudication and enter a new order denying the motion for summary judgment; denying the motion for summary adjudication as to the third cause of action for breach of contract and fifth cause of action for intentional interference with contractual relations; and granting the motion for summary adjudication as to the sixth cause of action for intentional interference with advantageous and prospective business relations, seventh cause of action for inducing breach of contract and eighth cause of action for trade libel and disparagement. Any further litigation of the third cause of action is limited to the issue of Medical Group's damages, if any, resulting from Aetna's breach by contracting with the FPA physicians before the expiration of the 30-day first right of refusal period afforded Medical Group by section II(C) of the contract. The parties shall bear their own costs on appeal. Nares, J.; We Concur: Kremer, P.J., Huffman, J.

**D031395        Pardee Construction Company v. California Iron Works et al.**

Judgment affirmed. Pardee to bear costs on appeal. Haller, J. ; We Concur: Work, Acting P.J., McIntyre, J.

**D032851        People v. Cowans**

The judgment is reversed in part regarding the section 12022, subdivision (b) (1) true finding, which we strike, and the superior court is directed to amend the abstract of judgment accordingly. Otherwise the judgment is affirmed. Work, Acting P.J.; I Concur: McDonald, J.; I Dissent: Benke, J. (opinion)

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**March 28, 2000 (Continued)**

**D032381        Lear et al. v. Board of Retirement of the San Diego County Employees Retirement Association et al.**

The opinion filed March 17, 2000, is ordered certified for publication.

**D030452        Centex Golden Construction Company v. Dale Tile Company**

The petition for rehearing is denied.

**D035331        A-1 Concrete Contractors, Inc. v. Superior Court of San Diego County/Tramel Jr. et al.**

The petition is denied.

**D034291        Anderson v. Wal-Mart Stores, Inc.**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

**D032466        People v. Henderson**

The judgment is affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., Nares, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**March 29, 2000**

**D030296          Chopra v. Schoville**

Order modifying opinion (No change in Judgment). The informal petition for rehearing is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**March 30, 2000**

**D031635        People v. Person**

Affirmed. Haller, J.; We Concur: Kremer, P.J., Work, J.

**D034721        Tanya M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. Work, Acting P.J.; We Concur: Benke, J., McDonald, J.

**D032198        Ulman v. Krutzsch et al.**

**D034299        Krutzsch v. Luce, Forward, Hamilton and Scripps et al.**

On the court's own motion, the above listed appeals are consolidated for disposition. All future filings shall be made under case number D032198.

**D032198        Ulman v. Krutzsch et al.**

**D034299        Krutzsch v. Luce, Forward, Hamilton and Scripps et al.**

Since all of the requirements of the stipulated settlement have been completed, the court directs that the above listed appeals be dismissed. It is so ordered.

**D035255        Scripps Health v. Andros International Inc.**

The petition is denied.

**D035196        Dubai Development Co. Inc. v. Superior Court of San Diego County/Rincon Del Diablo Municipal Water District**

The petition is denied.

**D031994        Grossmont Healthcare District v. San Diego Hospital Association et al.**

**D033461        Grossmont Healthcare District v. San Diego Hospital Association et al.**

(Consolidated) The judgment is reversed. Each party shall bear its own costs on appeal. Nares, J., We Concur: Work, Acting P.J., O'Rourke, J.

**D033033        ATM Bancorp Services v. Money Card Systems, Inc. et al.**

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., Nares, J.

**D035280        McElroy v. Superior Court of San Diego County/People**

The petition is denied.

**D035229        Camacho et al. v. Superior Court of San Diego County/People**

The petition is denied.

**D032091        Kimble v. Abdullah**

The petition for rehearing is denied.

**D035284        Edelman v Superior Court of Orange County/Chapman University et al.**

The petition is denied

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE**

**March 31, 2000**

**D032552        People v. Ausler**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

**D032423        Hatch v. Superior Court of San Diego County/People**

The petition for writ of mandate is denied. CERTIFIED FOR PUBLICATION. Benke, J.; I Concur: Haller, J., I Concur and Dissent: McDonald, J. (opinion)

**D033214        People v. Terrones**

Proceedings in the above-referenced appeal are stayed pending the superior court's decision in In re Terrones on habeas corpus, D035002.

**D035002        In re Terrones on Habeas Corpus**

Let an order to show cause issue why the relief requested in the petition for writ of habeas corpus should not be granted. The order to show cause is made returnable in the Superior Court of San Diego County before the trial judge in this matter, Judith F. Hayes. Judge Hayes is directed to decide the issues in the petition, hold an evidentiary hearing if necessary and "dispose of...[the matter] as the justice of the case may require." (Pen. Code, 1484.) It is further ordered that notice of Judge Hayes' determination be given to this court within 90 days of this order. This court will not entertain petitioner's ex parte motion to file declaration under seal for in camera review. The original and all copies of the motion, memorandum of points and authorities and sealed declaration are hereby returned to counsel. Proceedings in the companion appeal, People v. Terrones (D033214), are stayed pending determination by the superior court of the habeas corpus petition.

**D035251        Vista Behavioral Health Plans Inc. et al., v. Superior Court of San Diego  
County/Carrasco et al.**

The petition is denied.